

## CHAPTER 410

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 19-1236**

BY REPRESENTATIVE(S) Gray and Sullivan, Buckner, Galindo, Van Winkle, Arndt, Buentello, Duran, Esgar, Exum, Gonzales-Gutierrez, Herod, Kennedy, Lontine, Melton, Michaelson Jenet, Roberts, Valdez D., Becker, Bird, Coleman, Hooton, Jackson, Jaquez Lewis, Snyder, Titone;  
also SENATOR(S) Todd, Bridges, Court, Crowder, Danielson, Fenberg, Fields, Ginal, Gonzales, Hill, Lee, Lundeen, Moreno, Pettersen, Rodriguez, Story, Tate, Williams A., Winter, Woodward, Zenzinger, Garcia.

**AN ACT**

**CONCERNING THE CREATION OF A WORKFORCE DIPLOMA PILOT PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** article 10.3 to title 22 as follows:

**ARTICLE 10.3**  
**Workforce Diploma Pilot Program**

**22-10.3-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) IN COLORADO, APPROXIMATELY THREE HUNDRED FIFTY THOUSAND ADULTS DO NOT HAVE A HIGH SCHOOL CREDENTIAL;

(b) RESEARCH SHOWS THAT AS MANY AS EIGHTY PERCENT OF THE INDIVIDUALS WHO LEFT HIGH SCHOOL WITHOUT A DIPLOMA DID SO FOR NONACADEMIC REASONS, INCLUDING THE NEED TO WORK TO SUPPORT THEMSELVES OR THEIR FAMILIES; BECOMING PARENTS; BULLYING OR SOCIAL ANXIETY; OR FALLING TOO FAR BEHIND TO GRADUATE ON TIME;

(c) EDUCATION IS A SIGNIFICANT ECONOMIC DRIVER; ACCORDING TO COLUMBIA UNIVERSITY ECONOMIST, HENRY LEVIN, THE AVERAGE COST TO THE STATE FOR A STUDENT WHO DROPS OUT OF HIGH SCHOOL IS TWO HUNDRED FIFTY-EIGHT

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

THOUSAND TWO HUNDRED FORTY DOLLARS IN SOCIAL SERVICES, INCARCERATION EXPENSES, AND LOST INCOME FROM TAXES OVER THE INDIVIDUAL'S LIFETIME; AND

(d) WHEN COMBINED WITH LOST WAGES, THE TOTAL OPPORTUNITY COST FOR ONE HIGH SCHOOL DROPOUT IS SEVEN HUNDRED FIFTY-FIVE THOUSAND NINE HUNDRED DOLLARS.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT BY CREATING A WORKFORCE DIPLOMA PILOT PROGRAM THAT PROVIDES COLORADO ADULTS WITH THE OPPORTUNITY TO COMPLETE A HIGH SCHOOL DIPLOMA, WHILE TRANSFERRING THE RISK TO PROVIDERS WHO RECEIVE PERFORMANCE PAYMENTS ONLY WHEN THOSE STUDENTS MEET PERFORMANCE MILESTONES, THE STATE CAN BETTER MEET ITS WORKFORCE GOALS FOR FUTURE ECONOMIC GROWTH.

**22-10.3-102. Definitions.** AS USED IN THIS ARTICLE 10.3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

(2) "ELIGIBLE STUDENT" MEANS A STUDENT WHO:

(a) IS AT LEAST TWENTY-ONE YEARS OF AGE;

(b) IS A RESIDENT OF THE STATE OF COLORADO; AND

(c) LACKS A HIGH SCHOOL DIPLOMA.

(3) "PROGRAM" MEANS THE WORKFORCE DIPLOMA PILOT PROGRAM CREATED IN SECTION 22-10.3-103.

(4) "QUALIFIED PROVIDER" MEANS A PROVIDER THAT MEETS THE CRITERIA SET FORTH IN SECTION 22-10.3-103 (3) AND THAT:

(a) IS A PUBLIC, NONPROFIT, OR PRIVATE ACCREDITED, DIPLOMA-GRANTING INSTITUTION WITH AT LEAST TWO YEARS OF EXPERIENCE PROVIDING ADULT DROPOUT RECOVERY SERVICES, INCLUDING RECRUITMENT, LEARNING PLAN DEVELOPMENT, AND PROACTIVE COACHING AND MENTORING; OR

(b) IS A LOCAL EDUCATION PROVIDER, AS DEFINED IN SECTION 22-10-103 (7).

**22-10.3-103. Workforce diploma pilot program - creation - payments - rules.**

(1) THERE IS CREATED IN THE DEPARTMENT, IN THE OFFICE WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR ADULT EDUCATION, THE WORKFORCE DIPLOMA PILOT PROGRAM TO PROVIDE PERFORMANCE PAYMENTS TO QUALIFIED PROVIDERS FOR ELIGIBLE STUDENTS ENROLLED IN A QUALIFIED PROVIDER'S PROGRAMS WHO ATTAIN CERTAIN OUTCOMES, AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION.

(2) ON OR BEFORE AUGUST 15 IN ANY FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY APPROPRIATES MONEY FOR THE PROGRAM, THE DEPARTMENT SHALL ISSUE

A REQUEST FOR QUALIFICATIONS FOR PROVIDERS TO PARTICIPATE IN THE PROGRAM AS QUALIFIED PROVIDERS.

(3) THE CRITERIA NECESSARY TO BE A QUALIFIED PROVIDER INCLUDES:

(a) EXPERIENCE PROVIDING DROPOUT RECOVERY SERVICES, AS PROVIDED IN SECTION 22-10.3-102 (4);

(b) THE ABILITY TO PROVIDE ACADEMIC SKILL INTAKE ASSESSMENT AND TRANSCRIPT EVALUATIONS;

(c) THE ABILITY TO DEVELOP A LEARNING PLAN THAT INTEGRATES ACADEMIC REQUIREMENTS AND CAREER GOALS;

(d) THE ABILITY TO PROVIDE ALL INSTRUCTION NECESSARY TO MEET OR EXCEED THE STATE BOARD OF EDUCATION'S HIGH SCHOOL GRADUATION GUIDELINES TO ACHIEVE A HIGH SCHOOL DIPLOMA;

(e) THE ABILITY TO PROVIDE REMEDIAL COURSE WORK IN LITERACY AND NUMERACY;

(f) THE ABILITY TO PROVIDE A RESEARCH-VALIDATED ACADEMIC RESILIENCY ASSESSMENT AND INTERVENTION;

(g) THE ABILITY TO PROVIDE EMPLOYABILITY SKILLS DEVELOPMENT ALIGNED TO EMPLOYER NEEDS;

(h) THE ABILITY TO PROVIDE CAREER PATHWAYS COURSE WORK;

(i) THE ABILITY TO PROVIDE PREPARATION FOR INDUSTRY-RECOGNIZED CREDENTIALS;

(j) THE ABILITY TO PROVIDE CAREER PLACEMENT SERVICES; AND

(k) HIGH SCHOOL DIPLOMA ACCREDITATION BY A RECOGNIZED REGIONAL ACCREDITING BODY OR A CONSOLIDATION OF ONE OR MORE REGIONAL ACCREDITING BODIES.

(4) (a) THE DEPARTMENT SHALL REVIEW QUALIFICATIONS FROM PROVIDERS SUBMITTED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO DETERMINE WHETHER THE PROVIDER MEETS THE CRITERIA TO BE A QUALIFIED PROVIDER UNDER THE PROGRAM. WITHIN SIXTY DAYS AFTER SUBMISSION OF QUALIFICATIONS PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT SHALL PUBLISH A LIST OF PROVIDERS THAT MEET THE CRITERIA FOR A QUALIFIED PROVIDER PURSUANT TO SUBSECTION (3) OF THIS SECTION. A QUALIFIED PROVIDER IS ELIGIBLE FOR PROGRAM PAYMENTS FOR OUTCOMES ACHIEVED THIRTY OR MORE DAYS AFTER THE DEPARTMENT PUBLISHES THE LIST OF QUALIFIED PROVIDERS.

(b) ONCE THE DEPARTMENT DETERMINES THAT A PROVIDER IS A QUALIFIED PROVIDER UNDER THE PROGRAM, THE PROVIDER REMAINS A QUALIFIED PROVIDER WITHOUT THE NEED TO REAPPLY ANNUALLY, UNLESS THE PROVIDER IS REMOVED BY

THE DEPARTMENT FROM THE LIST OF QUALIFIED PROVIDERS PURSUANT TO SUBSECTION (7) OF THIS SECTION.

(5) (a) EXCEPT AS PROVIDED IN SUBSECTION (5)(b) OF THIS SECTION, IN ANY FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY APPROPRIATES MONEY FOR THE PROGRAM, THE DEPARTMENT SHALL DISBURSE PAYMENTS TO QUALIFIED PROVIDERS IN THE FOLLOWING AMOUNTS FOR EACH ELIGIBLE STUDENT'S COMPLETION OR ATTAINMENT OF THE FOLLOWING OUTCOMES:

(I) TWO HUNDRED FIFTY DOLLARS FOR COMPLETION OF EACH HALF-CREDIT;

(II) ONE THOUSAND DOLLARS FOR COMPLETION OF AN ACCREDITED HIGH SCHOOL DIPLOMA;

(III) TWO HUNDRED FIFTY DOLLARS FOR COMPLETION OF AN EMPLOYABILITY SKILLS CERTIFICATION PROGRAM EQUAL TO AT LEAST ONE CARNEGIE UNIT;

(IV) TWO HUNDRED FIFTY DOLLARS FOR ATTAINMENT OF AN INDUSTRY-RECOGNIZED CREDENTIAL REQUIRING UP TO FIFTY HOURS OF TRAINING;

(V) FIVE HUNDRED DOLLARS FOR ATTAINMENT OF AN INDUSTRY-RECOGNIZED CREDENTIAL REQUIRING BETWEEN FIFTY-ONE AND ONE HUNDRED HOURS OF TRAINING; AND

(VI) SEVEN HUNDRED FIFTY DOLLARS FOR ATTAINMENT OF AN INDUSTRY-RECOGNIZED CREDENTIAL REQUIRING MORE THAN ONE HUNDRED HOURS OF TRAINING.

(b)(I) THE TOTAL AMOUNT OF PAYMENTS DISBURSED TO ONE OR MORE QUALIFIED PROVIDERS MUST NOT EXCEED SEVEN THOUSAND DOLLARS FOR AN INDIVIDUAL ELIGIBLE STUDENT.

(II) A QUALIFIED PROVIDER THAT RECEIVES TUITION OR OTHER PAYMENT FROM OR ON BEHALF OF AN ELIGIBLE STUDENT SHALL NOT ALSO RECEIVE A PAYMENT FROM THE PROGRAM ON BEHALF OF THE ELIGIBLE STUDENT FOR THE SAME COURSE OR PROGRAM.

(6)(a) QUALIFIED PROVIDERS SHALL SUBMIT INVOICES ON AN ONGOING BASIS TO THE DEPARTMENT FOR PAYMENTS FOR STUDENT COMPLETION OR ATTAINMENT OF GOALS SET FORTH IN SUBSECTION (5) OF THIS SECTION. THE DEPARTMENT SHALL DETERMINE THE SUBMISSION DATES FOR THE INVOICES. SUBJECT TO AVAILABLE APPROPRIATIONS, QUALIFIED PROVIDERS WHO SUBMIT INVOICES ON OR BEFORE THE DATES DETERMINED BY THE DEPARTMENT SHALL RECEIVE PAYMENTS. IF AVAILABLE APPROPRIATIONS ARE INSUFFICIENT TO SATISFY ALL INVOICES RECEIVED BY THE SUBMISSION DATE, THE DEPARTMENT SHALL REDUCE ALL PAYMENTS BY THE SAME PERCENTAGE UNTIL THE MONEY IS EXHAUSTED.

(b) THE DEPARTMENT SHALL PUBLISH MONTHLY REPORTS FOR QUALIFIED PROVIDERS INDICATING THE TOTAL AMOUNT OF PAYMENTS DISBURSED PURSUANT TO THE PROGRAM AND THE TOTAL NUMBER OF STUDENTS ENROLLED IN THE PROGRAM.

(7) (a) (I) THE DEPARTMENT SHALL REVIEW DATA FROM EACH QUALIFIED PROVIDER TO ENSURE THE PROGRAMS OFFERED BY EACH QUALIFIED PROVIDER ARE MEETING MINIMUM PROGRAM PERFORMANCE STANDARDS, INCLUDING A MINIMUM FIFTY PERCENT HIGH SCHOOL GRADUATION RATE FROM THE QUALIFIED PROVIDER'S PROGRAMS, CALCULATED ONE YEAR IN ARREARS.

(II) FOR PURPOSES OF SUBSECTION (7)(a)(I) OF THIS SECTION:

(A) THE HIGH SCHOOL GRADUATION RATE FOR A QUALIFIED PROVIDER IS DETERMINED BY DIVIDING THE TOTAL NUMBER OF HIGH SCHOOL GRADUATES FOR THE COHORT YEAR BY THE TOTAL NUMBER OF ALL STUDENTS FOR THE COHORT YEAR FOR WHICH THE QUALIFIED PROVIDER HAS RECEIVED PAYMENTS; AND

(B) THE QUALIFIED PROVIDER'S COST PER GRADUATE IS NOT MORE THAN SEVEN THOUSAND DOLLARS, DETERMINED BY DIVIDING THE TOTAL PAYMENTS RECEIVED BY THE QUALIFIED PROVIDER FOR THE COHORT YEAR DIVIDED BY THE TOTAL NUMBER OF STUDENTS EARNING A HIGH SCHOOL DIPLOMA.

(b) THE DEPARTMENT SHALL PLACE A QUALIFIED PROVIDER THAT DOES NOT MEET THE PROGRAM PERFORMANCE STANDARDS ESTABLISHED IN THIS SECTION ON PROBATIONARY STATUS FOR THE REMAINDER OF THE STATE FISCAL YEAR.

(c) THE DEPARTMENT SHALL REMOVE A QUALIFIED PROVIDER FROM THE LIST OF QUALIFIED PROVIDERS IF THE PROVIDER DOES NOT MEET THE PERFORMANCE STANDARDS FOR TWO CONSECUTIVE YEARS.

(8) THE STATE BOARD OF EDUCATION MAY ADOPT RULES FOR THE IMPLEMENTATION OF THE PROGRAM.

**22-10.3-104. Pilot program reporting.** (1) ON OR BEFORE AUGUST 15 OF EACH YEAR IN WHICH PROGRAM PAYMENTS WERE DISBURSED FOR THE PRIOR STATE FISCAL YEAR, EACH QUALIFIED PROVIDER THAT RECEIVED PAYMENTS PURSUANT TO SECTION 22-10.3-103 UNDER THE PILOT PROGRAM FOR THE PRECEDING STATE FISCAL YEAR SHALL REPORT THE FOLLOWING INFORMATION TO THE DEPARTMENT:

(a) THE TOTAL NUMBER OF ELIGIBLE STUDENTS FOR WHOM THE QUALIFIED PROVIDER HAS RECEIVED PAYMENTS;

(b) THE TOTAL NUMBER OF CREDITS EARNED BY ELIGIBLE STUDENTS FOR WHOM THE QUALIFIED PROVIDER IS RECEIVING PAYMENTS;

(c) THE TOTAL NUMBER OF EMPLOYABILITY SKILLS CERTIFICATIONS ISSUED TO ELIGIBLE STUDENTS FOR WHOM THE QUALIFIED PROVIDER IS RECEIVING PAYMENTS;

(d) THE TOTAL NUMBER OF INDUSTRY-RECOGNIZED CREDENTIALS EARNED FOR EACH TIER OF FUNDING DESCRIBED IN SECTION 22-10.3-103 (5)(a) BY ELIGIBLE STUDENTS FOR WHOM THE QUALIFIED PROVIDER IS RECEIVING PAYMENTS; AND

(e) THE TOTAL NUMBER OF ELIGIBLE STUDENTS FOR WHOM THE QUALIFIED PROVIDER IS RECEIVING PAYMENTS WHO RECEIVE HIGH SCHOOL DIPLOMAS.

(2) ON OR BEFORE OCTOBER 15 OF EACH YEAR IN WHICH PROGRAM PAYMENTS WERE DISBURSED FOR THE PRIOR STATE FISCAL YEAR, THE DEPARTMENT SHALL SUBMIT TO THE EDUCATION AND THE BUSINESS AFFAIRS AND LABOR COMMITTEES OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES; AND TO THE EDUCATION AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEES OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT LISTING PROGRAM QUALIFIED PROVIDERS AND SUMMARIZING THE INFORMATION RECEIVED FROM QUALIFIED PROVIDERS PURSUANT TO SUBSECTION (1) OF THIS SECTION, AND OTHER WORKFORCE AND POSTSECONDARY OUTCOMES, INCLUDING EMPLOYMENT AND COLLEGE ENROLLMENT.

**22-10.3-105. Repeal of article.** THIS ARTICLE 10.3 IS REPEALED, EFFECTIVE JULY 1, 2022.

**SECTION 2. Appropriation.** For the 2019-20 state fiscal year, \$1,012,201 is appropriated to the department of education. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.2 FTE. To implement this act, the department may use this appropriation for the workforce diploma pilot program.

**SECTION 3. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 1, 2019